



New York State
Department of Economic Development
Division of Minority and Women's
Business Development

In the matter of the appeal of

Protel Voice Data Security, Inc.

FINAL ORDER 23-12

From a denial of certification as a Woman-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of Protel Voice Data Security, Inc. (“PVDS” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated June 4, 2021, to deny PVDS’ October 16, 2018, application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant issued a request to appeal via written submission to the Division, dated March 21, 2023. A notice to proceed via written appeal was sent to PVDS on October 3, 2022, but no additional materials or information were submitted. In response to the appeal request, the Division filed an Affidavit of Raymond Emanuel, Director of Certification, dated August 15, 2023, and a brief of Amy H. O’Connor, Esq., counsel for the Division, dated August 16, 2023. Administrative Law Judge (“ALJ”) Deidre A. Chuckrow presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the women owners relied upon for certification (1) have made capital contributions in the form of money, property, equipment or expertise in proportion to their equity interests, as required by 5 NYCRR § 144.2(b)(2); (2) possess adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR § 144.2(c)(1); and (3) make operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR § 144.2(c)(2).

On December 7, 2023, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division's denial of the application to certify Protel Voice Data Security, Inc. as a WBE on the grounds set forth in the Division's June 4, 2021, denial letter.

After considering the appeal record, I accept the recommendation of the Administrative Law Judge as it pertains to the facts of this case. Incorporation by reference is hereby made with respect to the findings and conclusions of the Recommended Order.

It is hereby **ORDERED** that the decision to deny certification, dated June 4, 2021, is affirmed. Accordingly, Protel Voice Data Security, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 9, 2024



Jason M. Clark
Executive Vice President and Executive Director
Division of Minority and Women's Business Development